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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER,)	
Plaintiff,)	
)	
v.)	Case No. A03-0263- CV (JKS)
)	(Consolidated)
UNITED STATES OF AMERICA,)	
GALE NORTON, Secretary of the)	
Interior, the DEPARTMENT OF THE)	
INTERIOR, the NATIONAL PARK)	
SERVICE,)	
Defendants.)	
)	

DECLARATION OF DIANE C. WOHLWEND

I, Diane C. Wohlwend, of personal knowledge declare that the following is true and correct:

1. Since April, 1992, I have worked as a Realty Specialist in the Land Resources Program

Center, (formerly known as the "Land Resources Division"), National Park Service, Alaska Region, United States Department of the Interior, Anchorage, Alaska.

2. Since April 1995, I have served as the Mining Claim Acquisition Program Lead. In my capacity as the Mining Claim Acquisition Program Lead, I assist the National Park Service in acquiring patented and unpatented mining claims located in National Parks in Alaska, including in Denali National Park and Preserve.

3. I understand that the Plaintiff Paul Shearer has filed a First Amended Complaint in the above-captioned action alleging in part that he consented to the taking of various mining claims located in the Kantishna Mining District in Denali National Park & Preserve. Specifically, I understand that in Paragraph 44 of the First Amended Complaint, the Plaintiff alleges that he consented to the taking of the "Lucky Gulch No. 1 Placer claim". In Paragraph 45 of the First Amended Complaint, the Plaintiff alleges that he consented to the taking of the "Trail Lode Claim" and "Four (4) Associations Placer Claims". In Paragraph 46, the Plaintiff alleges that he consented to the taking of the "Broken Bow 'No. 1' mining claim", the "Broken Bow 'No. 2' mining claim" and the "Friday Creek Discovery Claim" mining claim.

4. The Mining Claim Acquisition Program within the National Park Service in Alaska carefully maintains records of private landholdings within National Parks in Alaska. The information in these records is essential to assisting the National Park Service in satisfying its land management responsibilities. These records are based in part on information received from the Bureau of Land Management, which is the federal agency with responsibility for managing the official records for unpatented mining claims on federal lands. The Bureau of Land Management provides annual updates to the National Park Service of all unpatented mining

claims that have been forfeited, abandoned, found to be invalid or otherwise found to be null and void (It should also be noted that no new mining claims can be added to National Parks, as they are closed to the staking of new mining claims; specifically with regard to the Kantishna Mining District, no new mining claims could be staked there after March 16, 1972, as the lands in Kantishna were withdrawn from location and entry under the mining laws on March 16, 1972 pursuant to Public Land Order 5179, 37 F.R. 5579 and have remained continuously withdrawn since that time). As for patented mining claims in National Parks in Alaska, the Mining Claim Acquisition Program within the National Park Service diligently maintains its own records concerning the ownership and changes in ownership of those claims, including patented claims in Kantishna. Accordingly, I am confident that the records maintained by the National Park Service for private landholdings in National Parks in Alaska, including those in the Kantishna Mining District, are accurate.

5. One of the first steps in patenting an unpatented mining claim is the filing of a United States Mineral Survey. I have searched for and reviewed the records maintained by the Mining Claim Acquisition Program for private landholdings in the Kantishna Mining. There are twenty-two U.S. Mineral Surveys in the Kantishna Mining District. Of these, seventeen are patented and five are not. None of the twenty-two U.S. Mineral Surveys are for claims identified in Paragraph 3 above, as set forth in Paragraphs 44, 45 and 46 of Paul Shearer's First Amended Complaint. That is, none of the twenty-two U.S. Mineral Surveys and none of the patents are for mining claims referred to as "Lucky Gulch No. 1 Placer claim", "Trail Lode Claim", "Four (4) Associations Placer Claims", "Broken Bow 'No. 1' mining claim", "Broken Bow 'No. 2' mining claim" or the "Friday Creek Discovery Claim". In addition, none of the twenty-two U.S. Mineral

Surveys are for mining claims referred to as "four Trail Lode Association Placer Claims", which I presumed may be the actual names of the "Four (4) Associations Placer Claims" referred to by Mr. Shearer in Paragraph 45 of his First Amended Complaint.

6. The United States acquired an unpatented mining claim called Discovery No. 1 on Friday Creek, FF-46218, in 1995, but this claim was staked by A.H. Dyer in 1958 and held by Louise H. Gallop from whom it was purchased. A copy of the March 6, 1995 deed transferring this claim from Louise Gallop to the United States is attached as an appendix to this Declaration. To my knowledge, Discovery No. 1 on Friday Creek, FF-46218, is not associated in any way with Joseph Quigley or Fanny Quigley from whom Mr. Shearer claims to have acquired title.

I declare under penalty of perjury that the foregoing is correct.

Executed this 13th day of July, 2005.



Diane C. Wohlwend

BK089076413

DEED

THIS DEED, made this *6th* day of *March*, 1995,
by and between LOUISE H. GALLOP, an unmarried woman residing at
1201 Denali Street, #314, Anchorage, Alaska 99501, hereinafter
referred to as the Grantor, and the UNITED STATES OF AMERICA,
Washington, DC 20240, hereinafter referred to as the Grantee.

WITNESSETH:

IN CONSIDERATION of the sum of TWENTY-TWO THOUSAND DOLLARS
(\$22,000.00), the receipt and sufficiency whereof is hereby
acknowledged, the said Grantor grants and conveys unto the
Grantee and its assigns, forever, all of the following described
unpatented mining claim, known as Placer Claim Discovery #1 and
recorded in Book 25, Page 167 in the Fairbanks Recording
District:

Discovery No. 1 on Friday Creek -
FF-046218 located within Township 16 South,
Range 18 West, Fairbanks Meridian on Friday
Creek, a tributary of Moose Creek, a
tributary of Bear Paw River, Fairbanks
Recording District, Fourth Judicial District,
Alaska.

APPENDIX

BK0896PG474

TOGETHER with the hereditaments and appurtenances unto and to the Grantee and its assigns, forever, free and clear of all liens and encumbrances; the Grantor releases unto the Grantee and its assigns all right, title and interest which the Grantor may have in the banks, beds and waters opposite to or fronting upon said land, and in any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said lands, and in any means of ingress and egress appurtenant thereto.

TO HAVE AND TO HOLD the said premises together with all and singular the rights and privileges thereto belonging unto the said Grantee and its assigns forever.

SUBJECT only to existing easements for public roads and highways.

GRANTOR hereby covenants that in the event she acquires any interest in the herein described property after the date of this deed, any interest she so acquires will be the property of the United States of America and by this deed Grantor hereby conveys said after acquired interest, if any, to the Grantee.

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EXHIBIT 5
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BK0896PG475

THE SAID GRANTOR covenants that she has the right to convey said land; that she has done no act to encumber the same; that the said Grantee shall have quiet and peaceful possession of the same, free and clear of any and all encumbrances; and that she, the said Grantor, will execute such further assurances of the said land as may be requisite.

The acquiring Federal Agency is the National Park Service, U. S. Department of the Interior.

IN WITNESS WHEREOF, the said Grantor, LOUISE H. GALLOP, has hereunto set her hand and seal the day and year first written above.


LOUISE H. GALLOP

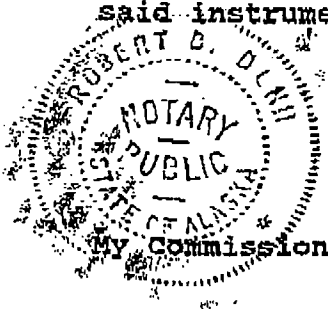
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EXHIBIT 5
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BKU896PG416

ACKNOWLEDGEMENT

This is to certify that on the this 6th day of MARCH, 1995, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared LOUISE H. GALLOP, to me known to be the individual described in and who executed the foregoing instrument and acknowledged the said instrument to be her free act and deed.




NOTARY PUBLIC

My Commission expires:

November 28, 1995

After recording, return deed to the grantee, United States of America, in care of:

National Park Service
Land Resources Division
2525 Gambell Street
Anchorage, Alaska 99503-2892

954508

2400
CC

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FAIRBANKS REC. DISTRICT
REQUESTED BY ETA

'95 MAR 23 AM 8 31

EXHIBIT 5
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